

PEARSON, MJ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

WHITACRE ENGINEERING CO.,	)	CASE NO. 5:07CV2628
	)	
Plaintiff,	)	JUDGE DOWD
	)	
v.	)	MAGISTRATE JUDGE PEARSON
	)	
SPRINT SPECTRUM, L.P., et al.,	)	
	)	
Defendants.	)	<b><u>REPORT AND RECOMMENDATION</u></b>

Upon representation of the parties that the matter has been settled, the undersigned recommends the dismissal of all pending claims without prejudice. This dismissal shall be superseded by the parties' Rule 41 entry which should be filed by April 3, 2009 or as soon as practicable after April 2, 2009.

During discussions with the undersigned, the parties have indicated an intention to request that Judge Dowd maintain jurisdiction over the settlement agreement. Should that intention manifest itself in the settlement agreement, the parties shall submit (under seal) a copy of the final settlement agreement for Judge Dowd's review and possible future reference.

(5:07CV2628)

The parties understand the undersigned remains available to assist in the finalization of the terms of the settlement agreement, if needed.

March 26, 2009  
Date

s/ Benita Y. Pearson  
United States Magistrate Judge

### **OBJECTIONS**

Objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See United States v. Walters, 638 F.2d 947 (6th Cir. 1981).* *See also, Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).*